

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

HAWKINS MFG., INC., a)	
Nebraska corporation,)	
)	
Plaintiff,)	8:08CV441
)	
v.)	
)	
DOUGLAS K. GENGENBACH, an)	ORDER
individual,)	
)	
Defendant.)	
)	

This matter is before the Court on plaintiff Hawkins Mfg, Inc.'s ("Hawkins") motion for partial summary judgment of noninfringement (Filing No. 8). The Court notes that the motion is unopposed and that defendant Douglas K. Gengenbach agrees at least that the Hawkins Corn Reel does not literally infringe Gengenbach's '042 Patent. (See Filing No. 30, at 3.) Because the parties agree that the device at issue in this motion -- the Hawkins Corn Reel -- does not literally infringe Gengenbach's '042 Patent, it is unnecessary for the Court to engage in claim construction at this time. The Court therefore finds that the motion should be granted without adopting its reasoning.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motion for partial summary judgment of noninfringement (Filing No. 8) is granted;

- 2) The device known as the Hawkins Corn Reel does not literally infringe Claims 1-18 of U.S. Patent No. 6,672,042;
- 3) Plaintiff's motion is denied in all other respects.

DATED this 23rd day of April, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court